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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/505,267	03/18/2005	Takahisa Jitsuno	12480-000065/US	7597

30593 7590 01/26/2006

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

EXAMINER

HASAN, MOHAMMED A

ART UNIT PAPER NUMBER

2873

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/505,267

Applicant(s)

JITSUNO ET AL.

Examiner

Mohammed Hasan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4, 7 and 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/24/04, 12/23/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt of acknowledged of papers submitted under 35 U.S.C. 119 (a) – (d), which papers have placed in the file.

Oath/Declaration

2. Oath and declaration filed on 3/18/2004 is accepted.

Information Disclosure Statement

3. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 9/24/2004 and 12/23/2004 have all been considered and made of record (note the attached copy of form PTO – 1449).

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

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1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claim 1 provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 6 of copending Application No. 10/520,812 Although the conflicting claims are not identical, they are not patentably distinct from each other because, claims in instant application injecting and hardening a first resin into a resin-injection portion of a base body, the first resin being a light hardening resin or a heat hardening resin and a second resin being the light hardening resin or the heat hardening resin forming a lens by hardening the second resin. The claims of the copending application 10/520,812 lens forming step includes a first resin injecting and hardening step a first resin made from a light-hardened resin or a thermo setting resin, into the resin injection portion and a second resin injecting step of injecting a second resin made from a light-hardened resin or a thermosetting resin, onto the hardened first resin so as to form pre-lens and second resin hardening step of hardening the second resin so as to form the lens.

It would have been obvious to have lens forming step using first resin being a light hardening resin or a heat hardening resin and a second resin being the light hardening resin or the heat hardening resin instead of using a first resin made from a

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light –hardened resin or a thermo setting resin and a second resin made from a light-hardened resin or a thermo setting resin, because both first resin step and a second resin step forming lens.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1- 3, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Watanabe et al (5,225,935).

Regarding claim 1, Watanabe et al discloses (2A) a production method for an optical lens (20) comprising the steps of: injecting and hardening a first resin into a resin-injection portion of a base body , the first resin being a light hardening resin or a heat hardening resin, forming a pre-lens by further injecting a second resin on the hardened first resin, the second resin being the light hardening resin or the heat hardening resin and forming a lens by hardening the second resin (column 5, lines 5 – 18, column 6, lines 59 – 60).

Regarding claim 2, Watanabe et al discloses, where the refraction index of the second resin is higher than that of the first resin (column 5, lines 13 – 18).

Regarding claim 3, Watanabe et al discloses, wherein the first resin and the second resin are ultraviolet hardening resin and they are hardened by irradiating ultraviolet rays thereon (column 5, lines 2 – 18).

Regarding claim 6, Watanabe et al discloses, wherein the first resin and the second resin are ultraviolet hardening resin and they are hardened by irradiating ultraviolet rays thereon (column 5, lines 2 – 18).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (5,225,935) in view of Watanabe et al (5,661,834).

Regarding claim 5, Watanabe et al ('935) discloses an optical lens production method comprising the steps of: injecting and hardening a first resin into the resin-injection portion, the first resin being a light hardening resin or a heat hardening resin, forming a pre-lens by further injecting a second resin on the hardening first resin, the second resin being the light hardening resin and the heat hardening resin and forming a lens by hardening the second resin (column 5, lines 5 – 18). Watanabe et al ('935) discloses all of the claimed limitations except an optical fiber connector in which a lens is formed at a resin-injection portion positioning at a tip of a core led out from an edge portion of an optical fiber. However, Watanabe et al ('835) discloses (refer to figure 11) a ferrule bore 5, an optical fiber 3 and a lens 9 (column 1, lines 13 – 26).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a fiber connector and an optical fiber connecting with Watanabe et al ('935) micro lens system for the purpose of a steps for fabrication of lens achieve a high degree of accuracy as taught by Watanabe et al ('834) (column 1, lines 54 – 56).

Allowable Subject Matter

7. Claims 4, 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to show the step of forming a lens, the wave front aberration of light that has transmitted the pre-lens is measures, and the lens is so formed as to have such a shape that wave front aberration is close to 0.

Conclusion


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammed Hasan whose telephone number is (571) 272-2331. The examiner can normally be reached on M-TH, 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mack can be reached on (571) 272- 2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MH
January 18, 2006



Scott J. Sugarman
Primary Examiner